1950

K

File No. Requisitioning II/50(N)

Legal Deptt.

B **BRANCH**

Subject:- Notifications under the Land-Requisitioning Act 1948.

Pt 97

E

File No. Requisitioning II/50 (N)

258-B

Legal Department.

It would be necessary to issue a notification ex-majora cautela by the Provincial Government under sec. 6(1) of the Bombay Land Requisition Act, 1948. A requisite draft notification is sent herewith. It is presumed that the areas within the two municipalities are intended to be notified.

11/2

Additional Secretary to Government.

U.D. to R.D. No. 2132

Dated the 18th February 1950

Submitted for signature.

MM

SG

MS

11/2

NOTIFICATION.

Revenue Department,

Bombay Castle, February 1950.

Bombay Land Requisition Act 1948

No. In exercise of the powers conferred by sub-section (1) of section 6 of the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), the Government of Bombay is pleased —

(1) to specify the areas within the limits of Navsari and Billimora Municipalities in the Surat district as the areas; and

(2) to authorise the Mamlatdar of Navsari taluka and the Mahalkari of Gandevi Mahal of the said district,

for the purpose of the said sub-section (1).

By order of the Governor of Bombay,

Secretary to Government.

MF

50

Legal Department.

A revised draft notification is sent herewith.

2. The words "for the purposes of the said sub-section (1)" in the Health and Local Government Notification No. 61027/H, dated the 15th July 1948 at page 27 ante should have been printed in a separate line as these words are common to both the clauses (1) and (2)

The necessary correction has been included in the draft notification and should be correctly sent for publication.

21/2

Additional Secretary to Government

U.R. & R.D. No-2565 dated 22nd February 1950

Submitted for signature.

MK

SC

NOTIFICATION.

Revenue Department,

Bombay Castle, 1950

No. In exercise of the powers conferred by sub-section (1) of section 6 of the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), the Government of Bombay is pleased to amend Government Notification in the Health and Local Government Department No.5931/39-E(1), dated the 4th December 1947 and the Collector of Bombay suburban District's Notification No.R.E.Q., dated the 29th December 1947 as follows, namely:-

Bombay Land Requisition Act, 1948.

1- In Government Notification in the Health and Local Government Department No.5931/39-E, dated the 4th December 1947, in clause (ii), for the words "Secretary to the Government of Bombay, Health and Local Government Department, " the words "Controller of Accommodation, Bombay," shall be substituted.

2. In the Collector of Bombay Suburban District's Notification No.R.E.Q., dated the 29th December 1947, for clause (2) the following shall be substituted, namely:-

"(2) to authorise the Controller of Accommodation Bombay,

for the purpose of the said sub-section(1)"

By order of the Governor of Bombay

Secretary to Government.

MM

Legal Department.

A revised draft notification in place of R.D. draft at page 68 is sent herewith.

22/2

Additional Secretary to Government.

D.D. to R.D. (Accommodation), No. 2813
dated the 22nd February 1950

Submitted for signature.

Addl. Secy.

22/2

50

NOTIFICATION.

No. In exercise of the powers conferred by sub-section(1) of section 6 of the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), read with Government Notification in the Revenue Department No. Misc. 2200-F, dated the 13th November 1949, the Collector of Mehsana is pleased :-

(i) to specify each of the areas specified in column 1 of the Schedule appended hereto as the area ; and

(ii) to authorise the Mamlatdar of the taluka specified against it in column 2 of the said Schedule

for the purpose of the said sub-section(1).

Schedule.

1	2
Area	Taluka
Limits of Mehsana Town.	Mehsana
Limits of Patan town.	Patan.
Limits of Kalol town	Kalol
Limits of Visnagar town.	Visnagar.
Limits of Siddhpur town.	Siddhpur
Limits of Radhanpur town.	Radhanpur

Collector of Mehsana.

MM

66

Legal Department.

The view taken by Secretary, Revenue Department is not correct.

2. In this case many inconsistent orders have been made. Firstly, by P.A.S.D., Notification No. 3323/46-F, dated the 4th March 1940, the Bombay Land Requisition Act, 1948 was applied to the Deccan and Gujarat States as and has been brought into force therein. Subsequently, that is just after over three weeks, by P.W.S.D., Notification No. 3323/46-F, dated the 1st April 1948, the same Act has again been extended to the Deccan and Gujarat States. Further by L.&.J.D. Notification No. 0-1094/10276-N, dated the 8th November 1948, the said Act has been extended inter alia to the Banas Kantha, Akhi Kanthe and Sangli areas. All these three districts (areas) include the areas of Indian States and in so far as these States areas are concerned, the notification is invalid and of no legal effect since the Bombay Land Requisition Act was not extended to any Indian State on the 8th November 1948 on which date the said notification was issued nor did any such area form part of the Province of Bombay, on the said date as is obvious from the two P.A.S.D. referred to above. In view of this, the R.&J. G.D. Notification Notification No. 0 1094/10276-N(a), dated the 8th November 1948 at page 57 ante delegating the powers under various provisions of the Act to the Collectors of Banas Kantha and Kaira Districts also include some areas which have been added to the Province under section 290A of the Government of India Act, 1935 the reference to Sangli only may be deleted from the said two notifications.

3. As regards the area of Satara, even assuming that it refers to the Satara District, the limits of t

the ex limits of the Satara District must be deemed to confine to the area contained in the Satara District as it stood constituted on the 8th November 1949 and would not include the area thereafter added to the Satara District. Since, however, the Act has been extended to the Satara District (by an amendment in the linked file) and to the Deccan States by the S.D., Notification No. 3333/46-F, dated the 4th March 1946, it is not necessary to issue any notification under sub-section (2) of section 2 of the Act and the following steps may now be taken -

(i) to issue to fresh notification under section 15 of the Bombay Land Requisition Act delegating the powers to the Collectors of Satara South and Satara North, subject to the observations in paragraph 4 below;

(ii) to cancel the entry, relating to Sangli from H.& L.G.D. Notifications No.G 1694/10276 N and No. G 1694/10276 N(a), dated the 8th November 1948;

(iii) to insert the word "disetict" in the notification at page 57 as proposed in the linked file;

(iv) to issue a fresh notification under section 15 in respect of Danas Kantha and Sabar Kantha [formerly Mahi Kantha).

4. It appears that the powers of the Provincial Government under section 8(1) of the Act have not been delegated to the Collectors referred to in Notifica tion No. G 1694/10276 N(a), dated the 8th November 1948. It is now intentionally proposed to delegate it to the Collectors of South Satara and North Satara. The R.D. (Remedation) has proposed to delegate the power under section (2) of section 9 of xxxx the Act.

under sub-section (2) of section 9 of the Act. The nature of the power is such that it cannot be delegated to any Collector nor does it appear to have been delegated to any Collector. There is however no objection to make an authorisation under clause (b) of sub-section (2) of section 9 when the need therefor arises without resorting to the provisions of section 18. The reference to sub-section (2) of section 9 has therefore been deleted

5. The drafts of the Orders to achieve the objects stated above are sent herewith.

2/2

Additional Secretary to Government.

U.R. to R.D. (Accommodation), No. 3036 dated the 3rd March 1950.

MSC

ORDER.

Revenue Department,

Bombay Castle, February 1950.

Bombay Land Requisition Act 1948

No. Misc. In exercise of the powers conferred by section 15 of the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), and in supersession of all previous orders in so far as they relate to the Satara South and Satara North, the Government of Bombay is pleased to direct that in Satara South and Satara North districts, the powers conferred and duties imposed upon the State Government by sections 5, 6 and 7, sub-section (1) of section 8, sub-sections (1), (3), (5), and (7) of section 9 and sections 11, 12 and 14 of the said Act shall also be exercised or discharged by the Collectors within the limits of their respective jurisdictions.

By order of the Governor of Bombay,

Secretary to Government.

MM

DC

ORDER.

Revenue Department,

Bombay Castle, February 1950.

No. Misc. In exercise of the powers conferred by section 15 of the Bombay Land Requisition Act, 1948, (Bom. XXXIII of 1948), and in supersession of all previous orders in so far as they relate to the districtsof Dangs Kanthe and Sabar Kantha, the Government of Bombay is pleased to direct that in Dangs Kantha and Sabar Kantha districts, the powers conferred and duties imposed upon the State Government by sections 5, 6 and 7, sub-section (1) of section 8, sub-sections (1),(2),(5), and(7) ofsection 9 and sections 11,12 and 14 of the said Act shallalso be exercised or discharged by the Collectors within the limits of their respective jurisdictions.

Bombay Land Requisition Act 1948

By order of the Governor of Bombay,

Secretary to Government.

MM

SC.

Legal Department.

New rule 3A proposed by the Department at page 9 ante is open to objections. The main objection is that no rule cannot be made under section 19(6) to prescribe a period of limitation within which an application for compensation should be made.

21/4

Additional Secretary to Government.

U.R. to R.D. (Accommodation) No. 5521 dated the 24th April 1950.

Submitted for signature.

MM

30

Legal Department.

A revised draft notification is sent herewith.

26/4

Additional Secretary to Government.

U.O. to R.D. (Accom.) No. 5705, dated the 26th April 1950

Submitted for signature.

[redacted]

SC

NOTIFICATION,

No. LQN/50.- In exercise of the powers conferred by sub-section (1) of section 6 of the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), read with Government Notification in the Revenue Department No. Misc. 28407-F, dated the 23rd March 1950, the Collector of Satara North is pleased --

(1) to specify the area within the limits of Mahabaleshwar Municipality as the area; and

(2) to authorise the Prant Officer, Mahabaleshwar Division, for the purpose of the said sub-section (1).

Dated

Collector of Satara North.

MM

SC

Legal Department.

The two buildings, namely, Albert Building and Menkma Building, are not vacant premises. Both the buildings appear to have been fully occupied. It is true that some portions of the two buildings are occupied by the offices of the Government of India and some by those of the Government of Bombay In regard to those premises there will not be much difficulty in requisitioning them because it appears from the papers that it is proposed that those offices will be vacating the portions in their occupation and after those portions are vacated it would be open to Government to requisition those premises for the Siddharth College under section 6 of the Bombay Land Requisition Act, 1948. In regard to the remaining portions of the buildings which are occupied by private tenants, it is no doubt true that section 6 of the Act will have no application as those premises cannot be regarded as vacant within the meaning of the said section. It will, however, be possible to requisition those premises under section 5 of the Act on the ground that, in the opinion of the State Government, it is expedient to do so. The proviso to sub-section (1) of section 5 will not be a bar as the private tenants occupying the portions of the two buildings appear to be business firms and are not persons residing on those premises. Under the proviso it is not open to Government to requisition any building if for a continuous period of six months preceding the order the owner, landlord or tenant, as the case

may be, is residing therein. In other words, the proviso applies to residential premises and operates as a bar to requisitioning under the section. The proviso, however, does not appear to apply to premises which are occupied by business firms for the purpose of carrying out their business and not as residential premises. The R.D. (Accommodation) will have to verify this point and if it is also clear that the portions are occupied by the business firms for the purpose of carrying on their business it would be open to Government to requisition those portions under section 5(1) of the Bombay Land Requisition Act, 1948. It must be stated, however, that the High Court has held that the opinion of the Government under section 5(1) regarding the expediency for requisitioning is not final and the High Court is entitled to look into the question. The purpose in this case will be an educational purpose, i.e., affording accommodation to a College which cannot any longer continue in the premises at present occupied by it. Prima Facie, this would be a sufficient ground and it will be possible to satisfy the Court regarding the expediency on that ground but the question will be one for the High Court to decide and the decision of the Government in the matter will not be final and conclusive.

15/4

Additional Secretary to Government,

U.R.O. C.S. No.5154 dated the 15th April 1950.

RM

SC

Office of the R.L.A.

The R.L.A. had recalled this case for reconsideration of certain points. The case was also discussed with the Additional Secretary

2. Premises wherein the owner, landlord or tenant has not actually resided for a continuous period of six months immediately preceding the date of the order can be legally requisitioned under section 5 of the Bombay Land Requisition Act, 1948, and Bombay High Court has so far held that it is not competent to it to issue a writ of certiorari in respect of such requisitioning. That point, however, is still pending in the appeal court at the instance of the aggrieved parties. However, that may be, a requisitioning under section 5 would not in this case appear quite expedient. The explanation to section 13 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, makes it impossible for one who purchases the property after the first day of January 1947 to obtain possession. It would not be proper to nullify the statutory provisions of one enactment by using the provisions of another enactment, and requisitioning premises for the benefit of the purchaser would be criticised as an improper use of the powers given by the Bombay Land Requisition Act and may even be attacked as mala fide for that reason. A similar instance arose in the case of the Reserve Bank of India in respect of Amar Building, and Government had to concede the position in the High Court that the tenant (Dr. Durikar) would be given suitable

accommodation elsewhere to his satisfaction, which Government have not yet been able to find. The R.L.A. would, therefore, suggest that as far as possible requisitioning should be avoided, and the question of giving alternative accommodation be settled amicably with the tenants in these two buildings.

a/s

Remembrancer of Legal Affairs

sd

sc

Local Department.

The draft notification at p.11 ante, as slightly amended, is in order.

14/6

[redacted]

Additional Secretary to Government.

U.R. to H.D., No. 6035, dated the 14th June 1950.

Submitted for signature.

[illegible]

[illegible]

NOTIFICATION.

Revenue Department.

Bombay Castle 1950.

Bombay Land Requisition Act, 1948.

No. Misc/ :- In exercise of the powers conferred by section 15 of the Bombay Land Requisition Act, 1948, (Bom. XXXIII of 1948), the Government of Bombay is pleased to direct that in the Districts mentioned in the Schedule hereto annexed, the powers conferred and duties imposed upon the State Government by subsections (2) and (3) of section 11 of the said Act shall also be exercised discharged by the Collectors within the limits of their respective jurisdiction.

Schedule.

1. Thana District.
2. Kaira "
3. Surat "
4. Nasik "
5. Poona "
6. Sholapur "
7. Ahmednagar "
8. Belgaum "
9. Dharwar "

By order of the Governor of Bombay,

(D.A.Rambavale),
Secretary to Government.

Legal Department.

Para 1 of R.D. Accommodation's note at page 71.

Instead of carrying out amendments in the original notification at page 1 ante it is better to reissue the whole notification after embodying the amendments. A revised draft is sent herewith. The Schedule to the Bombay Land Requisition Act specified the City of Bombay and Bombay Suburban District as the areas to which the Act extends. The same area has been mentioned in the notification.

Para 2 of R.D.Accommodation's note at page 71.-

The view taken by R.D. Accommodation is correct. Health and Local Government Department Notification No. 5981/33-M dated 4-12-47 and Collector Bombay Suburban District's Notification No. R.E.Q. dated 20th December 1947 were issued under section 4 of the Bombay Land Requisition Ordinance, 1947 which now corresponds to section 6 of the Act of 1948 of the same name. That section empowers the Provincial Government to specify the area for purposes of that Section which in this case the area has been specified in terms of the limits of certain Municipalities and village panchayat of Chembur. Even though the local authorities of the areas concerned have been abolished the areas specified would continue to be the areas for the purposes of section 6. The areas can always be determined with reference to the map of local authorities abolished.

S/7
Additional Secretary to Government.

U.R. to R.D. No. 9604 dt. 10th July 1950.

NOTIFICATION.

Revenue Department.

Bombay Castle, July 1950.

Bombay Land Requisition Act, 1948.

No. In exercise of the powers conferred by sub-section (1) of section 8 and clause (b) of sub-section (2) of section 9 of the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), and in supersession of Government Notification in the Revenue Department No. Misc. 21387/F, dated the 20th June 1949, the Government of Bombay is pleased to authorise the Compensation Officer, Greater Bombay, to determine compensation under the said sections within the limits of the City of Bombay and the Bombay Suburban District.

By order of the Governor of Bombay,

Secretary to Government.

MM

60

Legal Department.

The legal position under the Bombay Land Requisition Act, 1948, in respect of the 7 districts namely,

1. Sabarkantha,
2. Mehsana
3. Amreli,
4. Baroda,
5. Satara North,
6 Satara South,
7. Kolhapur,

appears to be as follows in view of the facts stated by the Revenue department and the notifications supplied

Sabarkantha:- This District, which was formerly known as Mahikantha District was formed as a Revenue District under section 4 of the Bombay Land Revenue Code under P A & S.D. notification No. 2751/46-F, dated 9-6-1948, and by a further notification by the same Department No. 2751/46-F, dated 15-6-1948, all enactments, notifications orders etc. including the Bombay Land Requisition Act, in force in the Province of Bombay had been extended to that District. By R.& L.S.G. Department notification No.81694/10376-M dated 8-11-48 issued under section 3(3) of the Bombay Land Requisition Act the said Act has been specifically extended to the Sabarkantha District and by virtue of the provisions of section 4 of the Bombay Merged States (Laws) Act, 1950, the Bombay Land Requisition Act,1948 would automatically extend to the areas of the merged States included in Sabarkantha District. There is therefore no necessity to issue a notification under section 3(3) of the Act

of the Act in respect of the District.

2. Even though R.D. Accommodation has not referred to the Banaskantha District, the same is the legal position with respect to that District for the reasons stated above

3. Baroda, Amreli & Mehsana Districts :- When the area of Baroda State was transferred to the Bombay Government under the Extra-Provincial Jurisdiction Act, 1947, the Bombay Land Requisition Act was not extended to the Baroda State. The Revenue Department, however, under their order No. Misc.12813/F, dated 18-7-1949 issued under the Extra-Provincial Jurisdiction Act extended the Bombay Land Requisition Act, 1948, with certain modifications; one of the modification was the deletion of section 3 of the Act, with the result that the Act was extended to the whole of the Baroda area without there being any necessity to issue a notification thereunder. But by section 4 of the Bombay Merged States (Laws) Act, 1950 the Bombay Land Requisition Act, 1948, which was in force in the Baroda State by virtue of the order made under the Extra-Provincial Jurisdiction Act, 1947, ceased to have effect in the Baroda State and the Bombay Land Requisition Act, 1948 had been extended under section 3 of the said Act along with the provision contained in section 3(3). Unless, therefore, a notification is issued under section 3(3) extending the provisions to the three districts, namely, Baroda, Mehsana and Amreli it cannot be said that thesaid Act is in force in those three districts.

4. Kolhapur State :- It appears that even though the Bombay Land Requisition Act, 1948, is extended to the Kolhapur State under the Extra-Provincial Jurisdiction Act, 1947, (vide P.A S.D. notification No. 4304/46-I, 4

dated 25-7-1949) the R.D. has not issued any notification except the one under section 15 of the Act at p.57 ante delegating the powers the powers of the Provincial Government under certain sections to the Collector of Kolhapur. This delegation notification has no effect as the Act underwhich it was issued was not extended to Kolhapur under section 2(2) of the Act. After the Act is extended it would be necessary to reissue the delegation notification.

5. North Satara and South Satara :- By R.& L.D. Department no notification No. 010941/10276-M, dated 8-11-48, the Bombay Land & Requisition Act has been extended to the District of Satara (which was not then split up into 2 districts). Sub-section (1) of section 2 of the Bombay Land Requisition Act, 1948 provides that this Act shall extend to the areas spe specified in the Schedule thereto annexed and shall continue to extend to any such area notwithstanding that the area ceases to be of the description thereunder specified. In the Schedule however, Satara District has not been mentioned. It is under sub-section (2) of section 2 of the Act that the P Provincial Government has extended the Act to the Satara District and the provisions of sub-section (1), which provides that the Act shall continue to extend to any area even though that area ceases to be of the description thereunder specified, would not apply to the area under sub-section (2). Moreover the Satara North District hasnow been split up into Satara and Satara North Districts and both the districts include areas of the merged States. therefore, necessary to issue a fresh notification section 2(2) of the Act extending the Act

Contd.

to Satara South and Satara North Districts respectively

6. It appears that in the case of certain areas e.g. Kolhapur, notifications regarding delegation etc. were issued under the Act although no notification under section 2(2) extending the Act to those areas was issued. In such cases it will be necessary to issue first an notifications regarding delegation etc. under section 2(2) and then issue the notifications

Additional Secretary to Government

U.R. to R.D. No. 9674 dated 10th Jule 1950.

Submitted for signature

MM

SC.

Office of the R.L.A.

The presumption made at 'A' by R.D.(Accommodation) is correct. Unless sections 8A, 8B and 9A are extended to the areas other than those specified in the Schedule to the Act, no notification delegating the powers of Government under the said sections would be opertive in those areas.

2. The presumption at 'B' in the R.D.(Accommodation) not is correct. The Notification No. Misc. 5275(a), dated the 5th August 1950 has been issued subsequent to the date on which sections 8A, 8B and 9A were embodied in the principal Act and would include the said provisions.

3. The only areas to which sections 8A, 8B and 9A do not extend are the areas other than the areas specified in the Schedule to the Act and the areas specified in notification No. Misc. 5275(a) dated the 5th August 1950 It is necessary, therefore, to extend the said provisions to these remaining areas. A revised draft notification in place of the draft ill ante is sent herewith. The blank in the notification should be filled in.

P.M.Lal.
6/9

Remembrancer of Legal Affairs.

U.O. to R.D.(Accomodation) No. 12764 , dated the 7th September '50

Legal Department.

By the Bombay Land Requisition (Amendment) Act 1950 (Bom. XI of 1950) the principal Act has been amended so as to authorise Government to recover any amount due from any allottee as an arrears of land revenue. In the area of Greater Bombay there are two revenue Acts in force. One is the Bombay City Land Revenue Act, 1876 in force in the City of Bombay; and the other is the Bombay Land Revenue Code, 1879 in force in the Bombay Suburban District. As the wording of section 6 of the former Act is not identical with that of section 9 of the latter Act, it is advisable to issue two separate notifications under the two Act respectively. Moreover in the former Act the Additional Assistants to the Collector are not styled as supernumerary Assistants of the Collector.

2. Two revised draft notifications are sent herewith But before they are issued, Revenue Department (Accommodation) should verify whether sections 8 A and 8B and 9 A of the Bombay Land Requisition Act which have been added recently by the Act of 1950 have been brought into force under section 2(2) of the Act in those areas in which it is already extended under the said provision. If not, it is safer to so extend the said provisions in view of the decision in Emp. Vs. Rayangonda, 48 B.L.R. 496). A requisite draft notification is sent herewith.

27/7 (PTO)

HM SC Additional Secretary to the Government

Legal Department.

The draft orders at pages 9 and 11 ante, as amended, are in order.

2. Para. 4 of R.D. (Accommodation) notes: It is clear from the provisions of section 9A of the Act that the amount of rent payable by a person continued in possession of a premises as a tenant has to be specified in the Order. In many of the cases such an amount of rent must have been determined under section 8 of the Act. Sub-section (3) of section 9A has saved the right of a landlord or tenant to apply for a standard rent notwithstanding the fact that the amount of the rent has been fixed in the order under sub-section (1) of section 9A. The amount of rent has, therefore, to be fixed under the said sub-section.

Additional Secretary to Government.

U.U. to R.D. (Accommodation) No. 12875, dated the 9th September 1950.

Submitted for signature.

MM
SC.

Order No.

ORDER.

Whereas the premises specified in Part I of the Schedule appended hereto have been requisitioned/continued under requisition under the Bombay Land Requisition, 1948, (Bom. XXXIII of 1948), hereinafter referred to as the "said Act");

And whereas in the opinion of the Government of Bombay repairs specified in Part II of the said Schedule are necessary/sufficient to keep the said premises in a good and tenantable condition (hereinafter called the said repairs.);

Now, therefore, in exercise of the powers conferred by section 8A of the said Act read with Government Notification in the Revenue Department No. Misc. /4887T-a) P, dated the 4th July 1950, the Collector of hereby directs that the landlord of the said premises shall execute the said repairs within from the date of this order.

SCHEDULE.

Flat/Room No. on the floor of the building known as situated at

Part II.

Details of Repairs:

Date .

Place Collector of District

To

Mr

Sd

Order No.

ORDER.

Whereas the premises specified in the Schedule appended hereto have been requisitioned/are intended to be subject to requisition under the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), hereinafter ~~in~~ referred to as the "said Act";

And whereas Shri/Shrimati
has been allotted the said premises and has been put in the use and occupation thereof;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9A of the said Act read with Government Notification in the Revenue Department No.Misc./ 4867-(a) P, dated the 4th July 1950, the Collector of
hereby directs that he/she shall continue in possession of the said premises as a tenant of the landlord on payment of Rs. as rent per month.

SCHEDULE.

Date

Place

Collector of District.

To

Mr

Sd

Land Department.

Revised drafts in place of R.D. drafts are appended.

2. In view of the provision of amended section 8 of the Bombay Land Requisition Act, 1947, it is necessary to replace rule 6 of the Rules made under section 19 of the Act so as to provide two sets of the amount of compensation according as the compensation is payable in lump sum or periodically. R.D. (ACCOMMODATION) should see whether draft notification No.II carries out its ~~xxx~~ intention.

3. Attention is invited to this Department U.R. to R.D. No. 2817, dated the 11th March 1949. As stated therein the orders should issue under the name of the Secretary (or Under Secretary) and not under the name of the Controller of Accommodation as they purport to issue from the Government of Bombay. The Controller of Accommodation can sign them only if he is specially empowered under rule 12 of the Rules of Business to sign such orders on behalf of the Government of Bombay. In that case the designation of the "Secretary to Government" at the end of the drafts may be replaced by that of the "Controller of Accommodation."

22/6

Additional Secretary to Government.

U.R. to R.D. No. 8599, dated the 23rd June 1950.

MM

SG

NOTIFICATION.

Revenue Department,

Bombay Castle, June 1950.

Bombay Land Requisition Act, 1948.

No. In exercise of the powers conferred by section 11 of the Bombay Land Requisition Act, 1948, (Bom. XXXIII of 1948), the Government of Bombay is pleased to direct that in all the districts of the State of Bombay, the powers conferred and the duties imposed upon the State Government by section 8A, sub-sections (1) and (2) of section 8B and sub-section (1) of section 8A of the said Act, shall also be exercised and discharged by the Collectors of the said Bombay districts within the limits of their respective jurisdictions.

By order of the Governor of Bombay,

Secretary to Government.

MM.

SC

XI

NOTIFICATION.

Revenue Department,
Bombay Castle, 1950.

Bombay Land Requisition Act, 1948.

No. .- In exercise of the powers conferred by section 19 of the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), the Government of Bombay is pleased to amend the Bombay Land Requisition (Determination of Compensation) Rules, 1949, as follows, namely :-

For rule 6 of the said rules, the following shall be substituted, namely :-

"6 No appeal shall lie under sub-section (3) of section 8 -

(1) if the total amount of compensation, assessed under these rules and payable in lump sum, does not exceed -

(a) Rs. 250, in areas within the limits of a Municipality, or Municipal Corporation; or

(b) Rs. 150, elsewhere;

(2) in cases where such amount is to be paid periodically every month, if the amount equivalent to five month's compensation does not exceed -

(a) Rs.250, in areas within the limits of a Municipal Corporation; area of Municipal

(b) Rs. 150, elsewhere."

By order of the Governor of Bombay,

Secretary to Government.

XII
Government of Bombay
Revenue Department,
Order No.
Bombay Castle, June 1950.

Whereas the premises specified in Part I of the Schedule appended hereto have been requisitioned/continued under requisition under the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), hereinafter referred to as the "said Act";

And whereas in the opinion of the Government of Bombay repairs specified in Part II of the said Schedule are necessary ~~&~~ sufficient to keep the said premises in a good and tenantable condition (hereinafter called the said repairs).

Now, therefore, in exercise of the powers conferred by section 8A of the said Act the Government of Bombay is pleased to direct that the land-lord of the said premises shall execute the said repairs within, from the date of this order.

SCHEDULE

Part I

Flat/Room No. _____ on the _____floor of the building known as_____situated at _____.

Part II

Details of Repairs.

By order of the Government of Bombay,

Secretary to Government.

BM
SC

IV

GOVERNMENT OF BOMBAY
Revenue Department,
Order No.
Bombay Castle, June 1950.

Whereas the land specified in the Schedule appended hereto has been requisitioned/continued under requisition under the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), hereinafter referred to as the "said Act"

And whereas Shri/Shrimati _____ has been allotted/continues/ is permitted to continue to remain in occupation/possession of/is for the time being in occupation of the said land,

Now, therefore, in exercise of the powers conferred by sub-section(1) of section 8 of the said Act, the Government of Bombay is pleased to direct that the said Shri/Shrimati _____ shall vacate the said land within _____ from the date of this order and deliver possession thereof to _____.

SCHEDULE

here enter the the name of officer specified in Notification No VI at p. 41

By order of the Governor of Bombay,

Secretary to Government.

MM

SG

V (93)

GOVERNMENT OF BOMBAY
Revenue Department,
Order No.
Bombay Castle, June 1960.

Whereas the premises specified in the Schedule appended hereto have been requisitioned/are intended to be subject to requisition under the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948) hereinafter referred to as the "said Act";

And whereas Shri/Shrimati _____ has been allotted the said premises and has been put in the use and occupation thereof;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9A of the said Act, ~~the~~ the Government of Bombay is pleased to direct that he/she shall continue in possession of the said premises as a tenant of the landlord on payment of Rs. _____ as rent per month.

SCHEDULE

By order of the Governor of Bombay,

Secretary to Government

MM
SO.

VI

NOTIFICATION.

Revenue Department,

Mantralaya, Bombay Castle, 1950.

Bombay Land Requisition Act, 1948.

No. In exercise of the powers conferred by sub-section (1) of section 38 of the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), the Government of Bombay is pleased to make authorise the officers mentioned in the Schedule annexed hereto for the purposes of the said sub-section within the limits of Greater Bombay.

THE SCHEDULE.

1. The Controller of Accommodation.
2. The Assistant Controller of Accommodation
3. The Accommodation Officer.
4. Inspector of Requisitioning.

By order of the Government of Bombay,

Secretary to Government.

MM

SC

Legal Department.

A revised draft notification in place of the draft notification at page 121 is sent herewith.

2. In the proposed notification only 12 districts have been specified, it being the intention that the districts specified in the Schedule to the Act will be covered automatically by the Revenue Department Notification No. Misc./4807-(a) dated the 4th July 1950. As the existence of two notifications will create confusion, the better course would be to supersede the latter notification completely and add all the districts specified in the Schedule to the Act in the proposed notification; that would leave the City of Bombay from the scope of the notification it not being a district.

14/10

Additional Secretary to Government.

U.O. to H.D. (Accommodation), No. 24498,

dated the 10th October 1950.

Issued

Submitted for signature.

MK

SO

Legal Department.

In the Additional Secretary's opinion No. 9074, dated the 16th July 1960, the legal position in respect of the various districts has been discussed separately and reasons for holding whether a notification under section 6(2) of the Bombay Landequisition Act, 1948, is or is not necessary have been given with respect to the notifications issued previously by the Departments concerned. The proposal of the Revenue Department(Accommodation) to issue a circular in general terms will not be in order As the circular is being issued confidentially there is no objection to forward a copy of the said opinion for the information of the Collectors concerned.

2. As regards the districts of Baroda, Amreli and Mahsana, the legal position stated in paragraph 3 of the aforesaid opinion will hold good only from the 31st December 1960, as from that date the provisions of the Bombay Land Requisition Act including provisions of section 70 thereof have been extended to the merged States by the Bombay Merged States (laws) Ordinance, 1960. Before that date the legal position as stated in the earlier portion of paragraph 3 of the L.D., U.O.No. 9074, dated the 16th July 1960, will hold good and whatever action has been taken by the Collector of Baroda under section 6 is supportable for the reasons given in the earlier part of paragraph 3 of the said opinion.

3. It is only with respect to any prosecution launched in respect of an offence committed between the 31st December 1948 and 15th August 1960 that such prosecution will fail, for the reasons given in the latter portion of paragraph 3 of the aforesaid opinion.

Contd.

54/20

Additional Secretary to Government.

U.R. to R.D. (Accommodation) No 766 Confl. dated the 16th October 1950.

Submitted for signature.

Addl. Secy.

RM

SC

Office of the R.L.A.

By notification issued under sub-section (1) of section 4 of the Bombay Land Requisition Ordinance, 1947, the City of Bombay has been specified as the area for the purposes of the said sub-section (1) (vide Notification,U.& L.S.D., No. 5931/39-B(1), dated the 4th December 1947). By a second notification issued und the said sub-section. (1) of section 4 of the Ordinance the limits of the Municipalities of Bandra, Juhu, Parle-Andheri, Kurla and Ghatkopar-Kirol and the Village Panchayat, Chembur, have been specified as the areas in for the purposes o the said sub-section (1) vide Collector, B.S.D's notification No. RSO, dated the 30th December 1947, at page 9 ante). The said two notifications have been held to be in force under section 20 of the Bombay Lan Requisition Act, 1948, which replaces the said Ordinanc As soon as a notification under sub-section (1) of section 4 of the Ordinance is issued in respect of any area the provisions of sub-section (3) o f section 4 of the Ordinance (which corresponds to sub-section (3) of section 6 of the Act) will come into operation and a person affected by the Notification issued under section 4(1) of the Ordinance is required to give intimation regarding vacancy within one month of the date of such notification in the case of premises which are vacant on such date and in other cases within seven days of the premises becoming vacant. It is obvious from the provisions of sub-section (3) of section 4 of the Ordinance (or of the corresponding section 6 of the Act) that an area which has been specified once cannot again be specified as it would give the benefit

give the benefit of a larger period for giving intimation which otherwise is only seven days under the existing provisions of the Act. To avoid such complication the proper course would be to specify in detail such of the areas in Greater Bombay in respect of which no notification under section 6 has been issued or if that is not feasible, to issue a notification in general terms specifying the rest of the area of Greater Bombay as has not been specified in the two notifications referred to above as the areas for the purposes of of the Act. Such a notification can be issued by the State Government even though the powers under section 6 of the Act appear to have been delegated to the Collector, Bombay Suburban District, under H.A L.C.D., Notification No. 5031/33-H, dated the 6th December 1947. The draft should be got settled in consultation with the Legal Department.

P.M.Lad.
11/10
Remembrancer of Legal Affairs.

U.S. to R.D. (Accommodation), No.14325
dated the 12th October 1950.

Issued
for signature.